



PATENT

Attorney Docket No. 56297-5012

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas GINGERAS, *et al.*

Application No.: 09/285,306

Filed: April 2, 1999

For: MYCOBACTERIAL RpoB SEQUENCES

Group Art Unit: 1656

Examiner: J. Siew

Commissioner of Patents
Washington, D.C. 20231

Sir:

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 4, 2001, finally rejecting claims 1-3 and 11-16.

1. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

☐ A check in the amount of _____ to cover the appeal fee is enclosed.

[X] The Commissioner is authorized to charge the appeal fee of \$320.00 to Deposit Account No. 50-0310.***

***In addition to the appeal fee the section checked below is appropriate:

[X] A Petition for a three (3) month extension of time responding to the final rejection, is being filed concurrently herewith extending the period for response to April 4, 2001 with authorization to charge Deposit Account No. 50-0310.

04/05/2002 HGBREH1 00000048 09285306

01 FC:117
02 FC:119

2. Constructive Petition

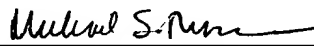
[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: April 4, 2002

By:



Michael S. Tuscan

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